

**City of Milpitas**  
**Unapproved Minutes**  
**Telecommunications Commission**  
**April 19, 2004**

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**I. Call to Order & Roll Call:**

Vice Chair N. Gupta called the meeting to order.

Members Present: A. Alcorn, N. Gupta, R. Gopalaraa, D. Gupta, P. Peterson, G. Ali-Santosa, I. Munir, W. Lam, P. Gupta, A. Ettinger

I.S. Staff: B. Marion, E. Pasion

Members Absent, V. Mathur City Council: A. Gomez

**II. Pledge of Allegiance:**

The Commission recited The Pledge of Allegiance.

**III. Announcements:**

No announcements made for the record.

**IV. Approval of the Agenda:**

Motion to approve the agenda as submitted.

M/S D. Gupta/ R. Gopalarao Ayes: 10

**V. Approval of the Minutes  
March 15, 2004**

Motion to approve the minutes as submitted.

M/S D. Gupta/ R. Gopalarao Ayes: 10

**VI. Citizen's Forum**

No comments made for the record.

**VII. Continued-New Business:**

**1. Status Report of Comcast Cable Franchise**

CIO, Bill Marion, reported the city has made progress on the cable franchise review with Comcast regarding the franchise renewal and compliance issues. Staff reported that the City Council had passed a resolution citing Comcast in violation of cable franchise agreement on several issues.

The four items the City Council found Comcast not compliant were improper grounding, information regarding franchise fee audit, failure to provide an institutional network and access to a public access studio for the Milpitas community. Under the current franchise Comcast must provide a written response to these items. Comcast has since provided fee back and is being reviewed.

Secondly, the cable franchise renewal issues involved discussing five items; customer service, PEG access, franchise fees calculations, security and performance bond and right-of-way provisions.

One of the items of issue was the franchise fee desk audit. Certain gross revenue items at issue were not reported. City

staff and the consultants will be discussing the technical audit matters with Comcast via conference call. The City could receive back payments based on the way financial reporting information is filed by Comcast. Staff added that Milpitas is not the only city encountering such reporting financial discrepancies with Comcast. However, staff is encouraged that progress is being made in determining what is exactly reported as gross revenue.

In the area of electrical grounding issues in the Milpitas cable system, the report found 187 specific violations and 3500 in total. Comcast has agreed to work on correcting the violations. Commissioner D. Gupta added Comcast was been difficult at first but since has tentatively agreed to begin correcting the grounding issues. However, he believes that final agreement is still being worked out. Staff reported that Comcast has conducted it own grounding compliance review and agreed to make the corrections and any additional grounding issues. The franchise requires that corrections be made within 120 days. Chair Alcorn asked of additional information for residents to access to correct possible grounding problems. Staff noted that it would place public notices via the cable channel, city web site and mailers.

Staff reported it was continuing with the discussions of the lack of an institutional-network that was to be completed by AT&T. The network would have connected the police department and all four fire stations. A public access studio was also to be provided. The facilities in Newark were offered however there is no ability to broadcast live or show videotapes live back to Milpitas. Staff discussions continued with Comcast regarding receiving additional cable channels for the city. Staff is reviewing other city policies regarding establishing and operating additional access channels.

Customer services matters were also at issue. Discussions were made to have customer service requests completed within a 24 to 48 hours and/or provide credit to the customers for delayed responses to services outages. Commissioner D. Gupta noted that the customer service agents must have improved training in meeting customer needs and providing action to correct cable service problems in a timely manner.

In the area of developing an educational channel and public access channel, staff reported that it is proposing that both be located at the Milpitas Unified School District campus. Currently, the school district operates its own institutional network. The overall scope would be to establish a community/public access channel studio and production facility that would be used to create programming content for public access programming. Additionally, the equipment would also be used by the school district to create programming for the school district cable channel. Comcast is reviewing the request for the additional channels and staff feels that progress will be made on this matter.

Staff is requesting the City Council to extend the cable franchise review for additional year to maintain the formal review process. This will allow the city to enforce the existing cable franchise while under review.

Commissioner Gopalarao noted that shortening the renewal time would make Comcast work to complete that review in a timely manner. Additionally, he believes that the violation issues should be separated from the agreement issues expediting that entire review process. Staff agreed with the process in fact that it has filed its letters regarding compliance and renewal issues as separate items. The option is available not to extend the franchise however; the existing cable franchise would be maintained. Commissioner D. Gupta added that Comcast is a very hard bargainer however; they are opening to suggestions and changes and are amenable to the city's suggestions to the cable franchise. Commissioner Gopalarao asked if a large number of Comcast personnel involved in the negotiations. Staff noted that specific technical personnel from both sides are involved with over review of the cable television franchise.

Chair Alcorn noted that when he lived in Newark the local studio produced a live call-in show. That kind of programming could not be conducted from Newark for Milpitas cable viewers. Commissioner Peterson added that the Newark studio location would not be easily accessible to the Milpitas student population. Additionally, Commissioner Peterson noted that the 10 percent sample is generous however; corrections would be needed to qualify the report. City staff is interested in reviewing the report.

Commissioner Gopalarao asked if the studio facility had commitment by the school district. Staff noted that a formal use agreement would be produced for joint use by the school district and the City once the entire renewal process was completed and agreed on. Staff added that there was great interest from both parties to see this item be included in the discussions. Commissioner Gopalarao added that renting a building in the City for use as a television studio could be another matter for consideration.

Motion to note receipt and file

M/S N. Gupta/R. Gopalarao

Ayes: 10

## 2. Subcommittee Cable Access Policy.

Commissioner Ali-Santosa reported that he was a still gathering group member to review the document. He was seeking four members to participate. Commissioners N. Gupta, William Lam and Idrees Munir agreed to help volunteer to review the documentation. He asked staff to help schedule a date and meeting place.

Staff noted that the subcommittee's goal would be developing policy for the government channel and eventually reviews and

development a document policy for the community access channel.

Motion to note receipt and file.

M/S N. Gupta/ R. Gopalarao Ayes: 10

### 3. March '04 Month Report.

CIO, Bill Marion, provided a summary of the monthly activity reports for the Information Services Department for March 2004.

Staff reported that the Information Services Department had received an advanced copy of the Cisco Magazine detailing the City of Milpitas' use of advanced technology at City Hall. Staff plans to review the article and provide updated information before final publication. Commissioner Gopalarao was very proud of the accomplishments that the City has achieved in recent years and hoped that the article would help further the publicity of Milpitas' technology.

Staff reported that it has committed to an agreement with SBC Telecom for an exchange of conduit resources to access and complete connectivity Milpitas Fire Station #2 on Yosemite Drive. Staff also reported that the Information Services Department is working on implementing a new finance equipment data base system along with the continued integration and completion of the police department mobile dispatch system. Staff training has been on going and police and fire dispatchers have been given detailed instruction on the new system. Staff also added that it plans to roll out an extensive Wi-Fi network as part of the police and fire mobile dispatch system.

Commissioner Ali-Santosa asked of the Microsoft patch updates regarding the City's network. Staff added that it has been inundated with numerous patch updates from Microsoft and has affected the overall speed of the network. Chair Alcorn asked if it has affected the ability for remote accessing of the City's network. Staff noted that the security patches have not affected the overall security for remote connectivity.

Commissioner Gopalaroa asked if the new CAD system will have GPS location technology. Staff the new integration will have such technology for dispatching services.

Commissioner Lam asked of the status of the City's Wi-Fi network noting that the Santa Clara was offering wireless access to residents as pay service.

Commissioner Ali-Santosa asked if the upcoming annual EOC drill will be televised on cable. Staff noted it was video taping the event for the fire department.

Motion to note receipt and file.

M/S N. Gupta / D. Gupta Ayes: 10

4. Round table discussion.

Commissioner D. Gupta asked about showing the times and dates on cable television. Staff would look into adding the various commission dates and time.

Commissioners Gopalaraa asked if staff was the aware of the number of broadband subscribers were in Milpitas.

Commissioner Lam noted that someday all telecom services should be in one inclusive billing statement for subscribers. Commissioner

Ali-Santosa noted that the telecom subcommittee should schedule to meet soon to begin reviewing the documentation per staff request.

**VIII. Adjournment of Meeting**

Chair Alcorn requested a motion to adjourn the to Monday, May 17, 2004.

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